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Rules, Regulations, Orders

TITLE 7—AGRICULTURE COMMODITY EXCHANGE ADMINISTRATION

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE COMMODITY EXCHANGE ACT, AS AMENDED

Pursuant to the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (7 U. S. C. and Sup. III, secs. 1-17a), as amended by the act of Congress, approved April 7, 1938 (Public, No. 471, 75th Cong.), I, Harry L. Brown, Acting Secretary of Agriculture, do hereby make, prescribe, publish, and give public notice of the following rules and regulations, which shall become effective on the respective dates hereinafter set forth and continue in force and effect until amended or superseded by rules and regulations hereafter made by the Secretary of Agriculture under said act, and shall be in addition to and shall not supersede rules and regulations heretofore made and promulgated under said act. Sections 800 to 803, inclusive, of the following rules and regulations shall become effective on the first day of August 1938. Sections 804 to 815, inclusive, and sections 820 to 823, inclusive, shall become effective on the fifteenth day of September 1938.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington this 27th day of July 1938.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

ARTICLE VIII.—SPECIAL PROVISIONS APPLICABLE TO WOOL TOPS¹

Reporting Requirements

SECTION 800. [201.800]² Definitions; "cash wool tops;" "spot wool tops."—The

¹ Title 7, Code of Federal Regulations, Part 201, Subpart—Special Provisions Applicable to Wool Tops.

² Bracketed numbers refer to sections of title 7, Code of Federal Regulations.



terms "cash wool tops" and "spot wool tops" shall have the same meaning and shall refer to transactions in actual wool tops as distinguished from wool top futures. (Sec. 10, 49 Stat. 1500; 7 U. S. C., Sup. III, 12a (5); Public, No. 471, 75th Cong.)

FORM 800

SEC. 801. [201.801] Daily reports on form 800 by clearing members; information shown.—Each clearing member of each board of trade (exchange) designated as a contract market for wool tops shall report to the Commodity Exchange Administration each business day on form 800 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on form 800, to be obtained from the Commodity Exchange Administration, and shall show accurately and fully the information called for with respect to all contracts of sale of wool tops for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for wool tops shall report separately with respect to each such market. Such report shall show separately for each future:

(1) the total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(2) the net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(3) the quantity of wool tops bought and the quantity of wool tops sold on such contracts during the period covered by the report;

(4) the quantity of wool tops delivered and the quantity of wool tops received on such contracts during the period covered by the report; and

(5) the quantity of wool tops represented by delivery notices issued, stopped,

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and passed, respectively, during the period covered by the report.

(Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Public, No. 471, 75th Cong.)

Sec. 802. [201.802] Time and place of filing reports on form 800.—Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 800 shall be filed in the office of the Commodity Exchange Ad-



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ministration in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. (Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Public, No. 471, 75th Cong.)

SEC. 803. [201.8031] *Errors or omissions in reports on form 800.*—Reports on form 800 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report. (Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Public, No. 471, 75th Cong.)

FORMS 801 AND 802

SEC. 804. [201.8041] *"Special accounts" reported on form 801.*—(a) *By whom reported.* Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any wool top future, resulting from any transactions made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in section 820 [201.820] hereof, shall report such account daily to the Commodity Exchange Administration on form 801 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on form 801.

(b) *Accounts belonging to or controlled by the same person.*—For the purpose of reporting on form 801, all accounts which belong to or are controlled by the same person shall be con-

sidered one account. All accounts required to be reported on form 801 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 6g; Public, No. 471, 75th Cong.)

SEC. 805. [201.8051] *Net position of account prior and subsequent to special account status.*—The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in section 820 [201.820] hereof shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account." (Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 6g; Public, No. 471, 75th Cong.)

SEC. 806. [201.8061] *Time of filing reports on form 801.*—Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 801 shall be filed with the Commodity Exchange Administration not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That if on any day such person has no trades or transactions in any wool top future previously reported and there has been no change in the open contracts of such person in any wool top future, the last detailed report of such person shall be considered as his report on open contracts in wool top futures on all intervening days. Such person shall also make a report on form 803 covering the day on which the amount of his open contracts in such future falls below the amount fixed in section 821 [201.821] hereof. (Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 6i; Public, No. 471, 75th Cong.)

SEC. 807. [201.8071] *Accounts reported on form 801 shown by account number or code; identification on form 802.*—Reports on form 801 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on form 801 it shall be identified on form 802, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on form 801. An account number or code once identified on form 802 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Administration. (Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Sec. 5, 49 Stat. 1496; 7

U. S. C., Sup. III, 6g; Public, No 471, 75th Cong.)

SEC. 808. [201.8081] *Persons controlling or having participating financial interest in accounts shown on form 802.*—If more than one person shall have control over or be known to have a participating financial interest in any account reported on form 801, the names and addresses of all such persons shall be shown on form 802. (Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 6g; Public, No. 471, 75th Cong.)

SEC. 809. [201.8091] *Character of accounts shown on form 802.*—In identifying accounts on form 802 the person reporting shall indicate the character of such accounts, i. e., whether hedging, straddling, speculative, or commission house. (Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 6g; Public, No. 471, 75th Cong.)

FORM 803

SEC. 810. [201.8101] *Persons holding or controlling open contracts of specified size; reports on form 803.*—Every person who holds or controls open contracts in any one wool top future on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in section 821 [201.821] hereof) for reporting purposes under section 4 (2) of the Commodity Exchange Act shall report to the Commodity Exchange Administration on form 803. Such reports shall be made *daily*: *Provided*, That if on any day such person has no trades or transactions in any wool top future previously reported and there has been no change in the open contracts of such person in any wool top future, the last detailed report of such person shall be considered as his report on open contracts in wool top futures on all intervening days. Such person shall also make a report on form 803 covering the day on which the amount of his open contracts in such future falls below the amount fixed in section 821 [201.821] hereof. (Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 6i; Public, No. 471, 75th Cong.)

SEC. 811. [201.8111] *Information shown in reports on form 803.*—(a) *Arranged by markets and futures.*—Reports made by any person on form 803 shall show for the day covered thereby, by markets and by futures:

(1) the amount of open contracts held or controlled by such person in any and all wool top futures on all boards of trade (exchanges) in the United States and elsewhere;

(2) the character of the open contracts held or controlled, i. e., whether hedging, straddling, or speculative;

(3) the amount of wool tops bought and the amount sold by such persons for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(4) the amount of wool tops delivered by or to such person in settlement of futures contracts.

(b) "Hedging," meaning of.—For the purpose of subparagraph (2) of paragraph (a) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions", appearing in paragraph (3) of section 4a of the Commodity Exchange Act. (Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 61; Public, No. 471, 75th Cong.)

Sec. 812. [201.812] *Time of filing reports on form 803.*—Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required on form 803 shall be filed with the Commodity Exchange Administration as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 61; Public, No. 471, 75th Cong.)

Sec. 813. [201.813] *Assignment of code number.*—Upon receipt of the first report from any person on form 803, or upon application in advance, the Commodity Exchange Administration will assign to such person a code number. In all reports on form 803 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 61; Public, No. 471, 75th Cong.)

Sec. 814. [201.814] *Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.*—Persons having or controlling open contracts in any wool top future on any contract market equal to or in excess of the amount fixed in section 821 [201.821] hereof shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Administration with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for. (Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 61; Public, No. 471, 75th Cong.)

Sec. 815. [201.815] *Information required upon call.*—Each person required to report on form 803 shall,

(1) if a partnership, furnish upon call the name and address of each partner;

(2) if a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporation; and

(3) if an association or trust, furnish upon call the name and address of each

person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Administration upon call in accordance with instructions contained in the call. (Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 61; Public, No. 471, 75th Cong.)

AMOUNTS FIXED FOR REPORTING ON FORMS 801 AND 803

Sec. 820.¹ [201.820] *Amount fixed for reporting on form 801.*—For the purpose of sections 804 and 805 [201.804 and 201.805] of article VIII of these rules and regulations, the amount specified for reporting accounts on form 801 is 125,000 pounds, but such specified amount shall not apply to special calls issued under authority of section 822 [201.822] hereof. (Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 6g; Public, No. 471, 75th Cong.)

Sec. 821. [201.821] *Amount fixed for reporting on form 803.*—For the purpose of sections 810 and 814 [201.810 and 201.814] of article VIII of these rules and regulations, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on form 803 is 125,000 pounds. (Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 61; Public, No. 471, 75th Cong.)

SPECIAL CALLS

Sec. 822. [201.822] *Special calls; reports on form 801.*—Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated wool top future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Administration on form 801, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in section 820 [201.820] hereof shall have no application. (Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Sec. 5, 49 Stat. 1496; 7 U. S. C., Sup. III, 6g; Public, No. 471, 75th Cong.)

Sec. 823. [201.823] *Special calls; reports on form 803.*—Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market who holds or controls

open contracts in any wool top future shall, upon call, report all open contracts in wool top futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Administration on form 803 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in section 821 [201.821] hereof shall have no application. (Sec. 5, 42 Stat. 1000; 7 U. S. C., 7 (b); Public, No. 471, 75th Cong.)

[F. R. Doc. 38-2168; Filed, July 27, 1938; 12:06 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-2]

ORDER IN THE MATTER OF MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 12th day of July, A. D. 1938.

It appearing, That by order dated July 30, 1936,² the Commission, by division 5, entered upon an investigation into and concerning the above-entitled matter, and that on December 29, 1937,³ the said division made and filed its report and entered its order:

It further appearing, That by order entered April 4, 1938, the Commission reopened the said proceeding for re-argument, which has been had;

And it further appearing, That a full investigation of the matters and things involved has been had and that the Commission, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:⁴

It is ordered, That the said order of December 29, 1937, be, and it is hereby, vacated and set aside.

It is further ordered, That the rules and regulations printed as the appendix to the report and made a part hereof be, and they are hereby, approved, adopted and prescribed, effective October 1, 1938, and shall be observed by common and contract carriers subject to the Motor Carrier Act, 1935.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

¹ 1 F. R. 1015.

² 3 F. R. 9 DL.

³ The report, forms, and instructions were a part of the original document filed with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.

⁴ Section numbers 816, 817, 818, and 819 [201.816, 201.817, 201.818, and 201.819] reserved for future use.

APPENDIX

MOTOR CARRIER SAFETY REGULATIONS

Part V.—Hours of Service of Drivers

Regulations prescribed under authority of section 204 (a), (1) and (2) of the Motor Carrier Act, 1935,¹ with respect to maximum hours of service of drivers of motor vehicles operated in interstate or foreign commerce by common and contract carriers, including motor vehicles engaged in operations specified in section 203 (b) of said act, except paragraph (4a).

Regulations Effective October 1, 1938

RULE 1. As used in these regulations:

(a) The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Commission, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

(b) The term "driver" means any individual who drives in transportation in interstate or foreign commerce any motor vehicle as defined in paragraph (a) above.

(c) A driver is on duty from the time he begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. Time spent by a driver resting or sleeping in a berth as defined in paragraph (g) of this rule shall not be included in computing time on duty.

(d) The term "drive or operate" includes all time spent on a moving vehicle and any interval not in excess of 20 minutes in which a driver is on duty but not on a moving vehicle. It does not include time spent resting or sleeping in a berth as defined in paragraph (g) of this rule.

(e) The term "week" means any period of 168 consecutive hours beginning at the time the driver reports for duty, as defined in paragraph (c) of this rule.

(f) The term "24 consecutive hours" means any such period starting at the time the driver reports for duty, as defined in paragraph (c) of this rule.

(g) The term "berth" means a berth or bunk on the motor vehicle which is properly equipped for the purpose of sleeping, including springs and a mattress, or an inner-spring mattress, pillow, adequate bed clothing, adequate ventilation, and ready means of entering and leaving the berth.

(h) Where any other terms used in these regulations are defined in section 203 (a) of the Motor Carrier Act, 1935, such definitions shall be controlling. Where terms are used in the regulations which are neither defined herein nor in said section 203 (a), they shall have the

ordinary practical meaning of such terms.

RULE 2. Every motor carrier and his or its officers, agents, employees, and representatives shall comply with the following regulations, and every such motor carrier shall require that his or its officers, agents, employees, and representatives shall be conversant with these regulations.

RULE 3. (a) No carrier subject to these regulations shall permit or require any driver in his employ to remain on duty, as defined in paragraph (c) of rule 1, for a total of more than 60 hours in any week, as defined in paragraph (e) of rule 1; provided, however, that carriers operating vehicles on every day of the week may permit drivers in their employ to remain on duty for a total of not more than 70 hours in any period of 192 consecutive hours.

(b) No carrier subject to these regulations shall permit or require a driver in his employ to drive or operate a motor vehicle for more than 10 hours in the aggregate in any period of 24 consecutive hours, unless such driver be off duty for 8 consecutive hours during or immediately following the 10 hours aggregate driving and within said period of 24 consecutive hours; provided, however, that two periods of resting or sleeping in a berth, as defined in paragraph (g) of rule 1, may be cumulated to give the aforesaid total of 8 hours off duty.

RULE 4. No carrier subject to these regulations if himself a driver shall remain on duty or drive or operate for longer periods than those prescribed in rule 3 hereof for employed drivers.

RULE 5. Each carrier subject to these regulations, except carriers engaged in mass transportation and operating on frequent and regular schedules, shall require that a driver's log in duplicate shall be kept by every driver in his employ who operates a motor vehicle engaged in transportation in interstate or foreign commerce, and, if himself an owner-driver, shall keep such a log. Entries in said driver's log shall be made by the driver, and shall show the place of origin and destination of the trip, the times of reporting for duty and of going off duty, the periods of driving or operating and other work, and any other information found desirable.

Each carrier shall make monthly reports to the Bureau of Motor Carriers, Interstate Commerce Commission, Washington, D. C., prior to the fifteenth day of each succeeding month, of every instance where a driver has been required or permitted to be on duty or to drive or operate for hours in excess of those prescribed by these regulations, and shall fully explain the reasons for and circumstances surrounding such violations. Such reports shall be in writing and sworn to.

RULE 6. In case of flood, storm, accident, or similar emergency, a driver may complete his run without being in violation of the provisions of these regula-

tions, if such run would reasonably have been completed without violation except for the delay caused by such emergency.

RULE 7. These regulations shall not apply to any carrier subject thereto when transporting passengers or property to or from any section of the country with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamitous visitation or disaster.

ORDER

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 15th day of July, A. D. 1938.

It appearing, That by order dated July 12, 1938, in the above-entitled matter, rules and regulations were prescribed for common and contract carriers by motor vehicle engaged in the transportation of passengers or property in interstate or foreign commerce;

It further appearing, That by rule 5 of such rules and regulations each carrier subject thereto shall require that a driver's log in duplicate shall be kept by every driver in his employ who operates a motor vehicle engaged in transportation in interstate or foreign commerce, or the carrier himself, if an owner-driver, shall keep such log; and that each such carrier shall make monthly reports of every instance where a driver has been required or permitted to be on duty or to drive or operate for hours in excess of those prescribed by the rules and regulations;

And it further appearing, That it is desirable to prescribe the form of such driver's log and monthly report:

It is ordered, That each carrier subject to said rules and regulations be, and it is hereby, notified and required to keep the driver's log and make the monthly report required by said rule 5 in accordance with the respective forms 1, 2, and 3 and instructions attached hereto and made a part hereof.¹ By the Commission, division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 38-2157; Filed, July 26, 1938;
12:18 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

REGION XII EXCLUSIVE OF NEW MEXICO

JULY 26, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Farm Secu-

¹ See footnote 3 on preceding page.

rity Advisory Committee for the States in Region XII other than New Mexico, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1939: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1938;¹ and (2) the following additional counties:

Colorado, Prowers; Kansas, Mead; Texas, Hall and Hansford.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.
[F. R. Doc. 38-2165; Filed, July 26, 1938;
3:52 p. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS
NORTH DAKOTA

JULY 26, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the North Dakota State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1939: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1938;² and (2) the following additional counties:

Burleigh, Ward, and Williams.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.
[F. R. Doc. 38-2164; Filed, July 26, 1938;
3:52 p. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS
SOUTH CAROLINA

JULY 26, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the South Carolina State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1939: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1938;³ and (2) the following additional counties:

¹ 2 F. R. 2761 (3195 DI).
² 2 F. R. 2799 (3240 DI).
³ 2 F. R. 2554 (2973 DI).

Abbeville, Bamberg, Barnwell, Calhoun, Charleston, Cherokee, Chester, Darlington, Dillon, Edgefield, Fairfield, Greenwood, Hampton, Horry, Lee, Marion, Marlboro, Newberry, Pickens, Richland, Saluda.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.
[F. R. Doc. 38-2166; Filed, July 26, 1938;
3:52 p. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS
NORTH CAROLINA

JULY 27, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the North Carolina State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1939: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1938;¹ and (2) the following additional counties:

Alexander, Anson, Bertie, Cabarrus, Cherokee, Columbus, Craven, Currituck, Duplin, Durham, Gates, Granville, Greene, Haywood, Hoke, Jackson, Jones, Lee, Lenoir, Macon, Martin, Mecklenburg, Nash, Northampton, Person, Polk, Rockingham, Rutherford, Stokes, Vance, Wake, Warren, and Yancey.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.
[F. R. Doc. 38-2167; Filed, July 27, 1938;
12:06 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of July 1938.

IN THE MATTER OF JOSEPH M. STEINER, DOING BUSINESS AS J. MORTON STEINER COMPANY, 1593 PROSPECT AVENUE, BROOKLYN, NEW YORK

ORDER DENYING REGISTRATION

Joseph M. Steiner, doing business as J. Morton Steiner Company, hereinafter called the applicant, having filed with the Commission on June 10, 1938, an application for registration on Form 3-M; and

¹ 2 F. R. 2554 (2973 DI).

The Commission having on July 9, 1938, ordered proceedings on the question of refusal and/or postponement of registration and having postponed registration to July 25, 1938, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and

The Commission having reasonable grounds to believe that the applicant willfully made in the aforesaid application certain statements which were, at the time and in the light of the circumstances under which they were made, false and misleading with respect to material facts; and the applicant having on July 12, 1938, consented in writing to the entry of an order denying the application for registration, and having waived opportunity for hearing; and

The Commission having duly considered the matter and being fully advised in the premises;

It is hereby ordered, That the registration of Joseph M. Steiner, doing business as J. Morton Steiner Company, pursuant to Section 15 (b) of the Securities Exchange Act of 1934 as amended, be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.
[F. R. Doc. 38-2172; Filed, July 27, 1938;
12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 25th day of July, 1938.

[File No. 1-2215]

IN THE MATTER OF NATIONAL PUMPS CORPORATION COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The National Pumps Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Board of Trade of the City of Chicago; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, August 23, 1938, in Room 630, Securities and Exchange Commission, Bankers Building, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2171; Filed, July 27, 1938;
12:50 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of July, A. D. 1938.

[File No. 56-6]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY AND SOUTHWESTERN ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (d) and Rule U-12D-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on August 6, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all

powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 2, 1938.

The matter concerned herewith is in regard to an application by Southwestern Electric Company, and its parent, Community Power and Light Company, a registered holding company, for approval of the sale by Southwestern Electric Company of \$300,000 face amount of General Mortgage 5% Bonds, originally issued by New Mexico Utilities Company and assumed by Texas-New Mexico Utilities Company (the successor of New Mexico Utilities Company and a subsidiary of Community Light and Power Company) at a price of 92½, and accrued interest, or a total of \$277,500 plus accrued interest, to William Rosenblatt, 27 William Street, New York, New York.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2169; Filed, July 27, 1938;
12:50 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of July, A. D. 1938.

[File No. 43-139]

IN THE MATTER OF OKLAHOMA POWER AND
WATER CO.

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on August 31, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 25, 1938.

The matter concerned herewith is in regard to a declaration filed by Oklahoma Power and Water Co., a subsidiary of The Middle West Corporation, a registered holding company, regarding the issue and sale of sixty-nine 5% unsecured promissory notes aggregating \$748,000 and maturing on various dates and in various amounts between September 15, 1938 and July 15, 1943.

The notes are to be issued and delivered to Sand Springs Home of Sand Springs, Oklahoma, in exchange for and to refund and discharge an equal principal amount of 5% notes which the declarant states were inadvertently issued by declarant without filing a declaration with respect thereto.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2170; Filed, July 27, 1938;
12:50 p. m.]